

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 29 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

BABULAL TRIKAMLAL SOLANKI

Versus

GANESHBHAI MULJIBHAI SOLANKI

Appearance:

1. Appeal from Order No. 29 of 2001
MR DAHYABHAI M PATEL for Petitioner No. 1
MR AS SUPEHIA for Respondents No. 1-2

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 05/11/2001

ORAL JUDGEMENT

Against the impugned order dated 4.9.2000 passed
by the learned Trial Judge below Ex.57 in Special Civil
Suit No.1246/97 present appeal is filed.

Dispute between the parties is regarding putting up toilet. Mr.Patel for the appellant submitted that because of the dirty smell of toilet, the appellant is making to suffer a lot, therefore, if this court is not inclined to interfere with the impugned order then at least the trial court be directed to decide main suit itself at the earliest.

In the instant case, except issuing notice, no interim order is passed and on facts I am of the considered opinion that without going into legality and validity of the impugned order passed by the trial court, this appeal can be disposed of with a direction to the learned Trial Judge to decide the main suit itself at the earliest.

Accordingly, this appeal is disposed of with a direction to the learned Trial Judge to decide the main Civil Suit No.1246/97 at the earliest and not later than 31.12.2002. Parties shall fully cooperate with the final disposal of the suit.

Civil Application is disposed of as the main Appeal from Order is disposed of. D.S. permitted.

(B.J.Shethna, J.)

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